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18 Attorneys for Defendant ARISTA NETWORKS, INC.

19 UNITED STATES DISTRICT COURT
20
21 NORTHERN DISTRICT OF CALIFORNIA
22
23 SAN JOSE DIVISION

24 CISCO SYSTEMS, INC.,

25 Case No. 5:14-cv-05344-BLF (PSG)

26 Plaintiff,

27
**DECLARATION OF ANDREA NILL
SANCHEZ IN SUPPORT OF ARISTA'S
MOTION FOR LEAVE TO AMEND
RESPONSE TO ADD COUNTERCLAIMS**

28 v.

ARISTA NETWORKS, INC.,

Judge: Hon. Beth Labson Freeman

Defendant.

Date Filed: December 5, 2014

Trial Date: November 21, 2016

29
**REDACTED VERSION
OF DOCUMENT SOUGHT TO BE
SEALED**

30 DECLARATION OF ANDREA NILL SANCHEZ IN SUPPORT OF ARISTA'S MOTION FOR LEAVE TO
31 AMEND RESPONSE TO ADD COUNTERCLAIMS
32 Case No. 5:14-cv-05344-BLF (PSG)

1 I, ANDREA NILL SANCHEZ, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and an associate
 3 at the law firm of Keker & Van Nest LLP, counsel for Defendant Arista Networks, Inc. in the
 4 above-captioned action. I am admitted to practice before this Court.

5 2. I have personal knowledge of the facts set forth herein, and if called upon to testify
 6 as a witness thereto, I could do so competently under oath.

7 3. Thus far, Cisco has produced over 350,000 documents, totaling over three million
 8 pages. In the ITC investigations, Cisco produced over 180,000 documents totaling over one
 9 million pages.

10 4. Between July 21, 2015 and September 7, 2015, Cisco produced a total of over
 11 180,000 documents, totaling over 1.5 million pages.

12 5. Cisco produced the documents contained in Exhibits A, F, C, and D to Arista's
 13 proposed counterclaims on July 21, 2015.

14 6. Cisco produced the documents contained in the following four exhibits to Arista's
 15 counterclaims *after* the September 7, 2015 pleading amendment deadline.

- 16 a. Exhibits E and H were produced on September 25, 2015;
- 17 b. Exhibit G was produced on October 22, 2015;
- 18 c. Exhibit B was produced on November 19, 2015.

19 7. Attached hereto as **Exhibit A** is a true and correct excerpt of a document produced by
 20 Cisco in this litigation, Bates-stamped CSI-CLI-01610893 through CSI-CLI-01610938. Cisco
 21 designated this document HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY under the Stipulated
 22 Protective Order.

23 8. Attached hereto as **Exhibit B** is a true and correct copy of an email exchange
 24 between counsel for Cisco (Sean Pak of Quinn Emanuel Urquhart & Sullivan, LLP) and counsel
 25 for Arista (David Silbert of Keker & Van Nest LLP), dated February 9 and 11, 2016.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct, and that this declaration was executed on February 16, 2015, in San Francisco,
3 California.

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5 By: 
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ANDREA NILL SANCHEZ

EXHIBIT A

"

"

"

REDACTED VERSION OF
DOCUMENT SOUGHT TO BE SEALED

EXHIBIT B

From: Sean Pak <seanpak@quinnmanuel.com>
Sent: Thursday, February 11, 2016 2:57 PM
To: David Silbert; Cisco-Arista; 'Cisco-AristaCopyrightTeam@kirkland.com' (Cisco-AristaCopyrightTeam@kirkland.com); ARISTA-KVN; ARISTAT-KVN; Creighton, Susan (screighton@wsgr.com); Sher, Scott (SSher@wsgr.com); Reichenberg, David (dreichenberg@wsgr.com); Jacobson, Jonathan (jjacobson@wsgr.com); Pak, Chul (cpak@wsgr.com)
Subject: RE: Cisco v. Arista -- Arista's Motion for Leave to Amend

David:

Your understanding is correct. Of course, we reserve all of our other arguments and rights to challenge any of the claims set forth in your proposed counterclaims.

Sean Pak
Co-Chair of National IP Litigation Practice
Quinn Emanuel Urquhart & Sullivan, LLP

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From: David Silbert [mailto:DSilbert@KVN.com]
Sent: Tuesday, February 09, 2016 1:04 PM
To: Sean Pak <seanpak@quinnmanuel.com>; Cisco-Arista <Cisco-Arista@quinnmanuel.com>; 'Cisco-AristaCopyrightTeam@kirkland.com' (Cisco-AristaCopyrightTeam@kirkland.com) <Cisco-AristaCopyrightTeam@kirkland.com>; ARISTA-KVN <ARISTA-KVN@kvn.com>; ARISTAT-KVN <ARISTAT-KVN@kvn.com>; Creighton, Susan (screighton@wsgr.com) <screighton@wsgr.com>; Sher, Scott (SSher@wsgr.com) <SSher@wsgr.com>; Reichenberg, David (dreichenberg@wsgr.com) <dreichenberg@wsgr.com>; Jacobson, Jonathan (jjacobson@wsgr.com) <jjacobson@wsgr.com>; Pak, Chul (cpak@wsgr.com) <cpak@wsgr.com>
Subject: Cisco v. Arista -- Arista's Motion for Leave to Amend

Sean:

In light of your comments at the Case Management Conference and in Cisco's opposition filed yesterday, we understand that Cisco does not, and will not, take the position that any of the claims asserted in Arista's proposed counterclaims are compulsory counterclaims in the current copyright action, or that the Protective Order precludes Arista from filing its claims as a separate action. If for some reason that's incorrect, please notify us immediately, since the

Court would need to take that fact into account when ruling on Arista's motion for leave to amend.

Thanks.

David Silbert

Attorney at Law

KEKER & VAN NEST LLP

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